

ASSEMBLY BILL

No. 950

Introduced by Assembly Member Haynes

February 20, 2003

An act to amend Section 51554 of the Education Code, relating to instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 950, as introduced, Haynes. Prohibited instruction: human sexuality.

Existing law prohibits a pupil from receiving instruction on sexually transmitted diseases, AIDS, human sexuality, or family life delivered by outside organizations or guest speakers, or instruction in an assembly delivered by a teacher or administrator employed by the school district, unless the pupil's parent or guardian has been notified at the beginning of the school year or, with respect to a pupil who enrolls in a school after the beginning of the school year, at the time of that pupil's enrollment.

This bill would, instead, prohibit instruction, as defined, on the subject of human sexuality without the prior written consent of a pupil's parent or guardian, provided for each incidence of instruction.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 51554 of the Education Code is
2 amended to read:
3 51554. (a) Unless a pupil's parent or guardian has been sent
4 written notification through regular United States mail, or any

1 other method that the school district, county board of education,
2 or county superintendent of schools, as applicable, commonly uses
3 to communicate individually in writing to all parents or guardians,
4 at the beginning of the school year or, with respect to a pupil who
5 enrolls in a school after the beginning of the school year, at the time
6 of that pupil's enrollment, a pupil ~~shall~~ *may* not receive instruction
7 on sexually transmitted diseases, AIDS, ~~human sexuality~~, or
8 family life that is delivered by an outside organization or guest
9 speakers brought in specifically to provide that instruction,
10 whether the guest speakers are brought in to lecture, distribute
11 information, show a videotape, act out, conduct an activity
12 involving pupil participation, or provide audio material on these
13 subjects. Notification sent pursuant to this section shall include the
14 date of the instruction, the name of the organization or affiliation
15 of each guest speaker, and information stating the parent's or
16 guardian's right to request a copy of Sections 51201.5 and 51553,
17 related to AIDS prevention instruction. The governing board of
18 each school district, each county board of education, and each
19 county superintendent of schools, as applicable, shall keep on file
20 copies of this section and Section 51553. If arrangements for this
21 instruction are made after the written notice required by this
22 section is sent, notice of instruction to be delivered by outside
23 organizations or guest speakers shall be mailed, or provided by the
24 alternative method of notification otherwise commonly used, no
25 fewer than 10, and no more than 15, days before the instruction is
26 delivered. For purposes of this subdivision, "instruction" includes
27 instruction delivered in an individual classroom, before combined
28 classes, or in assemblies.

29 (b) In the case of instruction that involves presentations on
30 sexually transmitted diseases, AIDS, ~~human sexuality~~, or family
31 life delivered in an assembly, a pupil ~~shall~~ *may* not receive that
32 instruction if a teacher employed by the school district or
33 administrator employed by the school district delivers that
34 instruction, unless the pupil's parent or guardian is notified
35 through regular United States mail, or any other method that the
36 school district, county board of education, or county
37 superintendent of schools, as applicable, commonly uses to
38 communicate individually in writing to all parents or guardians,
39 about the instruction at the beginning of the school year or, with
40 respect to a pupil who enrolls in a school after the beginning of the



1 school year, at the time of that pupil's enrollment. If arrangements
2 for this instruction are made after these occurrences, notice shall
3 be provided no fewer than 10, and no more than 15, days before
4 the instruction is delivered. For purposes of this subdivision,
5 "instruction" includes oral presentations, visual presentations,
6 and activities.

7 (c) (1) *No instruction on the subject of human sexuality,*
8 *including sexual orientation, may be delivered without the prior*
9 *written consent of a pupil's parent or guardian, being provided for*
10 *each incidence of instruction.*

11 (2) *For purposes of this subdivision, "instruction" includes*
12 *oral presentations, visual presentations, and activities, whether it*
13 *is delivered in an individual classroom, before combined classes,*
14 *or in assemblies, or whether it is delivered by an outside*
15 *organization, guest speaker, or an employee of the school district.*

16 (d) A pupil ~~shall~~ may not be subject to a disciplinary action,
17 academic penalty, or other sanction if the pupil's parent or
18 guardian declines to permit the pupil to receive the instruction
19 described in ~~subdivision (a) or (b) this section~~ and the pupil does
20 not receive the instruction.

21 ~~(d)~~

22 (e) During the period of time instruction described in
23 ~~subdivision (a) or (b) this section~~ is being delivered, an alternative
24 educational activity shall be made available to pupils whose
25 parents or guardians have requested that they not receive the
26 instruction ~~described in subdivision (a) or (b).~~